

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH KEKOA MANIBUSAN,

No. C 05-04868 WHA

Plaintiff,

v.

**NOTICE RE REMOVAL AND
MOTION TO DISMISS**

DONALD SPECTER, STEVEN FAMA and
PRISON LAW OFFICE,

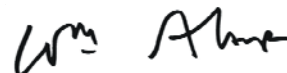
Defendants.

The Court has considered defendants' response to the order to show cause why the case should not be remanded for lack of jurisdiction. Without prejudging any remand motions that may be filed, the Court rules that summary remand of this case is not now appropriate.

The hearing on the motion to dismiss is **VACATED** because plaintiff has no attorney and, because he is incarcerated, will not be able to attend the hearing. If plaintiff retains an attorney or is freed from prison before an order is issued on the motion, the Court will *consider* holding a hearing. Plaintiff's opposition brief remains due Thursday, January 26, 2006. If an opposition is filed, defendants' reply brief is due Thursday, February 2.

IT IS SO ORDERED.

Dated: January 23, 2006



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE